



GREEN ACRES

LOCAL GOVERNMENT UNIT AND NONPROFIT GUIDE

Easements / Meaningful Public Access

In general, the goals of the Green Acres Program are best met through the purchase of property in fee simple. That way, the public can enjoy the full recreation and conservation benefits of the property in exchange for its investment of funding. In addition, there can be challenges associated with managing easements.

In those instances when a fee simple purchase is not possible, but preservation of a site's natural or historic resources fulfills a public need or compelling public purpose, Green Acres will consider funding the purchase of a permanent conservation or historic preservation restriction, or "easement." Such public need or compelling public purpose would include preservation of a unique natural resource, such as habitat for endangered or threatened species, or preservation of an important viewshed, such as from an historic battlefield or the Appalachian Trail. For historic preservation restrictions, the site must be listed or eligible for listing in the State or National Register of Historic Places in order to be eligible for Green Acres funding.

Green Acres must review and approve the proposed easement to ensure that the interest being acquired is eligible for funding and adequately protects the site's/area's significant features. This must be done prior to the commencement of the appraisals that will be used to establish the fair market value of the interest being acquired.

When a local government unit or nonprofit is going to acquire an easement, Green Acres strongly encourages the acquisition of full public access rights on the property. When that is not possible, the interest that will be acquired must allow for *meaningful* public access and preserve the site's recreation and conservation resources to a degree that warrants the investment of Green Acres funding.

Meaningful public access would include such things as public access to areas of interest on the site, for example, a fishing pond or other recreation activity area; a *substantial* public trail corridor that connects existing parkland; or public access on a regular, scheduled basis. The size of the public access areas also must be significant, proportional to the overall size of the property being acquired. It is critical that adequate signage is provided to clearly mark all public access points on easements, and consideration should be given to on-site or adjacent parking to improve accessibility. Green Acres will make the decision as to whether the proposed public access meets this criterion, based on the specific circumstances of each project.

If a proposed easement does not provide meaningful public access, Green Acres will limit its funding participation to **half** of what the local government unit or nonprofit would otherwise be eligible to

receive for the purchase of the easement. This will allow Green Acres to support the project while reserving its limited funding for other projects that more fully meet the public's recreation and conservation needs. In some cases, especially for nonprofits, the lack of public access to a parcel may make its acquisition ineligible for Green Acres funding. Please talk to Green Acres for guidance.

If a local government unit or nonprofit acquires a conservation or historic preservation restriction with Green Acres funding, it should also seek to obtain the right of first refusal for the purchase of the remaining interest in the property, should it become available in the future.

A local government unit or nonprofit that intends to acquire a conservation easement with Green Acres funding must prepare a Baseline Documentation Report that clearly documents the conditions of the project site at the time the restriction is to be acquired. Green Acres will provide guidelines regarding the preparation of the Baseline Documentation Report. This report must be approved by Green Acres and will be used for future monitoring of the easement.